REMARKS

Claims 1 to 6, 8 to 11, 14 to 16 and 21 to 23 as set forth in Appendix II of this paper are now pending in this case. Claims 7, 12, 13 and 17 to 20 have been canceled, and Claims 1 to 6, 8 to 11, 14 to 16 and 21 to 23 have been amended, as indicated in the Listing of Claims set forth in Appendix I of this paper.

In addition to editorial changes in the language of the claims, applicants have amended Claim 1 to relate to compounds wherein

X denotes O, S, NR^9, CO or $CR^{10}R^{11}$;

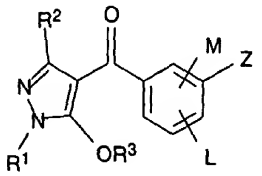
Y denotes O, S, NR^{12} or CO;

to distinguish the claimed subject matter from the subject matter defined in the claims of the parent application. Claims 2, 8, 9 and 14 have been revised correspondingly, and accordingly Claims 7, 12 and 13 have been canceled. Additionally, applicants have revised the dependency of Claims 4 to 6, 8 to 11, 14 to 16 and 21 to 23. The respective claims now refer to Claim 1 or 2, and instances where a multidependent claim depended from a multidependent claim are removed. Claims 17 to 20 were withdrawn by the Examiner, and applicants have now canceled those claims. No new matter has been added.

In view of the foregoing and the attached, all of the claims should now be in proper form. Favorable reconsideration of the Examiner's objection to Claims 4 to 11, 14 to 16 and 21 to 23 is respectfully solicited.

The Examiner has rejected Claims 1 to 3, 12 and 13 under 35 U.S.C. §102(b) as being anticipated by the disclosure of ***von Deyn et al.*** (**WO-A 96/26,206**, *corresponds to* **US-A 5,846,907** *(see ie. No. 87 on the face of the U.S. patent)*). Favorable reconsideration of the Examiner's position and withdrawal of the respective rejection is respectfully solicited in light of the foregoing amendment and the following remarks:

The disclosure of ***von Deyn et al.*** relates to herbicidally active pyrazol-4-ylbenzoyls of the formula (i)



(i)

wherein

R^1 (*which corresponds to R^{16} of applicants' compounds I*) denotes C_1-C_4-alkyl;

R^2 (*which corresponds to R^{18} of applicants' compounds I*) denotes hydrogen, C_1-C_4-alkyl or C_1-C_4-haloalkyl;

R^3 (*which corresponds to the hydrogen atom in the position Z of applicants' compounds I*) denotes hydrogen, C_1-C_4-alkylsulfonyl, phenylsulfonyl or alkylphenylsulfonyl;

Z (*which corresponds to the 4,5-dihydroisoxazol-3-yl ring of applicants' compounds I*) denotes an optionally substituted saturated or unsaturated 5- or 6-membered heterocycle, and corresponding fused ring systems, having one to three heteroatoms selected from the group consisting of oxygen, sulfur and nitrogen, and

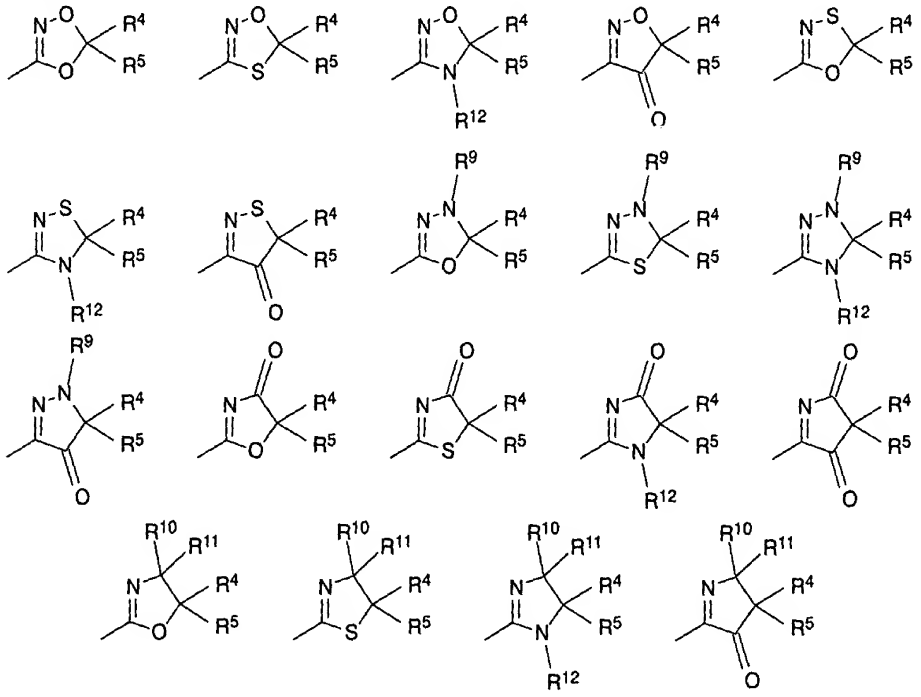
M and L (*which correspond to two of the radicals R^1, R^2 and R^3 of applicants' compounds I*) denote hydrogen; optionally substituted C_1-C_6-alkyl, C_2-C_6-alkenyl, C_2-C_6-alkynyl or C_1-C_4-alkoxy; halogen; cyano; nitro; $-SR^7$; $-O-SR^7$; $-NR^9-SR^7$; $-SOR^7$; $-O-SOR^7$; $-NR^9-SOR^7$; $-SO_2R^7$; $-O-SO_2R^7$; $-NR^9-SO_2R^7$; $-CO-R^8$; $-O-COR^8$; or $-NR^9-COR^8$;

(*ie. col. 1, indicated line 20, to col. 2, indicated line 16, of* **US-A 5,846,907**). As such, the generic definition of the pyrazol-4-ylbenzoyls of ***von Deyn et al.*** encompasses applicants' 4,5-dihydroisoxazol-3-ylbenzoyl compounds (I).

Von Deyn et al. further specify the optionally substituted saturated or unsaturated 5- or 6-membered heterocycle in the position of Z as encompassing -for example- 5-membered heteroaryl radicals (*id., col. 14, indicated lines 38 to 50*), 6-membered heteroaryl radicals (*id., col. 14, indicated lines 51 to 55*), and 5- or 6-membered heterocycles which are saturated or are partially unsaturated (*id., col. 14, indicated line 56, to col. 15, indicated line 33*), and mention "in particular" the radicals 2-thiazolyl and 3-isothiazolyl (*id., col. 14, indicated line 50*), as well as the radicals 2-tetrahydrofuranyl, 1,3-dioxolan-2-yl and 1,3-dioxan-2-yl (*id. col. 15, indicated lines 33 and 34*). Furthermore, ***von Deyn et al.*** disclosed 188 particularly preferred embodiments of their compounds in Table I (*id. col. 16 to col. 20*), 182 of which carry an unsubstituted or substituted 5-membered or 6-membered, optionally benzo-fused, hetaryl radical. In the remaining six embodiments (*Nos. 1.66, 1.79, 1.80, 1.89, 1.90 and 1.91, id. col. 18*) carry a substituted 4,5-dihydrothiazol-2-yl, 4,5-didyldroisoxazol-3-yl, 5,6-dihydro-4H-1,3-thiazin-2-yl, thiazolin-2-yl, 3H-1,2,4-dithiazol-5-yl or 2H-1,3,4-dithiazol-5-yl radical, respectively. The com-

pounds (i) are further illustrated in the experimental section of the disclosure of ***von Deyn et al.*** by compounds 5.4 to 5.5 (*id. col. 29*) wherein Z denotes 4,5-didyldroisoxazol-3-yl.

Applicants' invention relates to a specific group of compounds within the generic disclosure of ***von Deyn et al.*** which is structurally characterized as carrying a radical in m-position of the phenyl ring, relative to the carbonyl group (*corresponding to "Z" of* **von Deyn et al.***'s compounds*) which has the structure



(*see ie. claim 1 of the application*). Applicants' have found that this specific group of compounds within the generic concept disclosed by ***von Deyn et al.*** exhibit distinctly improved activity against unwanted plants and are, at the same time highly compatible with crop plants (*see ie. page 4, indicated lines 4 to 15, page 154, indicated lines 2 to 11, and page 160, indicated lines 25 to 29, of the application*).

Anticipation under Section 102 can be found only if a reference shows exactly what is claimed; where there are differences between the references disclosure and the claim, a rejection must be based on obviousness under Section 103[1]. Since the compounds 4-[2-chlo-

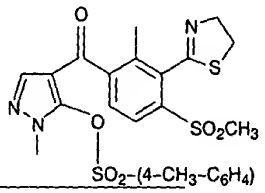
1) ie. Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (CAFC 1985); In re Marshall 577 F.2d 301, 198 USPQ 344 (CCPA 1978); In re Kalm 378 F.2d 959, 154 USPQ 10 (CCPA 1967)

ro-3-(4,5-dihydrothiazol-2-yl)-4-methylsulfonylbenzoyl]-1,3-dimethyl-5-hydroxy-1H-pyrazole and 4-[2-chloro-3-(thiazoline-4,5-dione-2-yl)-4-methylsulfonylbenzo-yl]-1,3-dimethyl-5-hydroxy-1H-pyrazole are specifically excluded from applicants' claims, the teaching of ***von Deyn et al.*** fails to show exactly what is claimed by applicants. Withdrawal of the rejection under the provisions of Section 102(b) is, therefore, respectfully solicited.

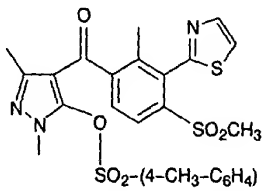
Also, the fact that claimed compounds may be encompassed by a disclosed generic formula does not by itself render the claimed compounds obvious[2]. As mentioned above, the specific group of benzoylpyrazoles of applicants' invention have a distinct advantage over the compounds (i) which are disclosed by ***von Deyn et al.***, which advantage is particularly due to the improved compatibility with crop plants which characterizes applicants' compounds. The teaching of ***von Deyn et al.***, however, contains nothing which would suggest or imply which particular selection of moieties within the realm of the generic formula (i) could possibly improve the degree to which the compounds are tolerated by crop plants, without having an impact on the control of unwanted plants. Applicants' selection of particular radicals and the finding that a combination of those radicals in the manner defined in Claim 1 provides for compounds having a high efficiency in controlling unwanted plants while, at the same time, being well tolerated by crop plants, could therefore not be expected on the basis of the disclosure of the prior art.

To further corroborate this distinct advantage of applicants' compounds (I), applicants herewith enclose a test report setting forth the results of comparative experiments in which applicants' compound No. 1b23.18 and the compound disclosed as Example 1.158 by ***von Deyn et al.*** in ***US 5,846,907*** *(corresponds to Example 1.346 of* **WO 96/26,206**) were employed:

Applicants' compound No. 1b23.18:



Von Deyn et al.'s compound 1.158:



2) ie. In re Baird, 16 F.3d 380, 29 USPQ2d 1550 (CAFC 1994); see also Corning Glass Works v. Sumitomo Electric U.S.A., 868 F.2d 1251, 9 USPQ2d 1962 (CAFC 1989), which holds that a genus does not inherently disclose all species; and In re Jones, 958 F.3d 347, 21 USPQ2d 1614 (CAFC 1992), which holds that a genus does not render all species that happen to fall within the genus obvious.

It is immediately apparent when the effectivity of applicants' compounds and of the prior art compounds is compared that a sufficient effect against unwanted plants can only be achieved with the compound disclosed by ***von Deyn et al.*** at application rates at which the crop plant is equally affected. However, applicants' compound does not harm the crop plant and, at the same time, exhibits an effectivity against the unwanted plants which is comparable to the effectivity of the compound disclosed by ***von Deyn et al.***

In light of the foregoing and the attached, the subject matter of applicants' claims when considered as a whole cannot be deemed as having been obvious within the meaning of Section 103(a). Favorable action is solicited.

The Examiner has rejected Claims 1 to 3, 12 and 13 under the judicially created doctrine of obviousness type double patenting over Claims 1 to 4 and 8 of ***von Deyn et al.*** (**US-A 5,846,907**). Favorable reconsideration of the Examiner's position is solicited in light of the foregoing and the following remarks:

According to long-standing holdings of the Courts, a double patenting rejection of the obviousness type is analogous to a failure to meet the non-obviousness requirement of 35 U.S.C. §103 except that the reference underlying the double patenting rejection is not considered prior art. Therefore, any analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. §103 obviousness determination[3]. While the determination underlying the obviousness-type double patenting analysis is made with a view to the claimed invention rather than the disclosure of the reference underlying the obviousness-type double patenting rejection, the specification can always be used as a dictionary to learn the meaning of a term in the earlier claim[4]. Also, those portions of the specification which provide support for the earlier claims may be examined and considered when addressing the issue of whether a claim in the application defines a variation of an earlier claimed invention[5]. Since the scope of a *claimed* invention, however, can in no instance exceed the scope of the disclosure by which the respective claims are supported, the rebuttal of a rejec-

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3). see eg. In re Braithwaite, 379 F.2d 594, 154 USPQ 29 (CCPA 1967); In re Longi, 759 F.2d 887, 225 USPQ 645 (CAFC 1985); In re Braat, 837 F.2d 589, 19 USPQ2d 1289 (CAFC 1991)

4). see eg. In re Boylan, 392 F.2d 1017, 157 USPQ 370 (CCPA 1968)

5). ie. In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970)

tion under Section 103 of the Patent Act necessarily defeats a finding of obviousness-type double patenting where the claims is question are derived from the disclosure which served as a basis for the rejection under 35 U.S.C. §103, as is the case here. Favorable reconsideration of the Examiner's position and withdrawal of the rejection under the judicially created doctrine of obviousness-type double patenting is, therefore, respectfully solicited.

REQUEST FOR EXTENSION OF TIME:

It is respectfully requested that a *three* month extension of time be granted in this case. A check for the *$930.00* fee is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
KEIL & WEINKAUF

/Herbert B. Keil

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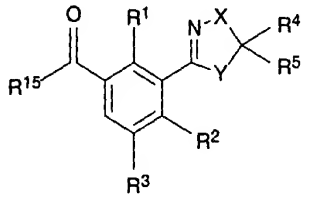
Encl.: THE LISTING OF CLAIMS (Appendix I)
THE AMENDED CLAIMS (Appendix II)
Test Report

HBK/BAS

APPENDIX I:

THE LISTING OF CLAIMS (marked version showing the changes):

1. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I



I

where the variables have the following meanings:

R^1, R^2 are hydrogen, nitro, halogen, cyano, C_1-C_6-alkyl, C_1-C_6-haloalkyl, C_1-C_6-alkoxy, C_1-C_6-haloalkoxy, C_1-C_6-alkylthio, C_1-C_6-haloalkylthio, C_1-C_6-alkylsulfinyl, C_1-C_6-haloalkylsulfinyl, C_1-C_6-alkylsulfonyl or C_1-C_6-haloalkylsulfonyl;

R^3 is hydrogen, halogen or C_1-C_6-alkyl;

R^4, R^5 are hydrogen, halogen, cyano, nitro, C_1-C_4-alkyl, C_1-C_4-alkoxy-C_1-C_4-alkyl, di(C_1-C_4-alkoxy)-C_1-C_4-alkyl, di(C_1-C_4-alkyl)-amino-C_1-C_4-alkyl, [2,2-di(C_1-C_4-alkyl)-1-hydrazino]-C_1-C_4-alkyl, C_1-C_6-alkyliminooxy-C_1-C_4-alkyl, C_1-C_4-alkoxycarbonyl-C_1-C_4-alkyl, C_1-C_4-alkylthio-C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-cyanoalkyl, C_3-C_8-cycloalkyl, C_1-C_4-alkoxy, C_1-C_4-alkoxy-C_2-C_4-alkoxy, C_1-C_4-haloalkoxy, hydroxyl, C_1-C_4-alkylcarbonyloxy, C_1-C_4-alkylthio, C_1-C_4-haloalkylthio, di(C_1-C_4-alkyl)amino, COR^6, phenyl or benzyl, it being possible for the two last-mentioned substituents to be fully or partially halogenated and/or to have attached to them one to three of the following groups: nitro, cyano, C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxy or C_1-C_4-haloalkoxy; or

R^4 and R^5 together form a C_2-C_6-alkanediyl chain which can be mono- to tetrasubstituted by C_1-C_4-alkyl and/or which can be interrupted by oxygen or by a nitrogen which is unsubstituted or substituted by C_1-C_4-alkyl; or

R^4 and R^5 together with the corresponding carbon form a carbonyl or thiocarbonyl group;

R^6 is hydrogen, C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxy, C_1-C_4-alkoxy-C_2-C_4-alkoxy, C_1-C_4-haloalkoxy, C_3-C_6-alkenyloxy, C_3-C_6-alkynyloxy or NR^7R^8;

R^7 is hydrogen or C_1-C_4-alkyl;

R^8 is C_1-C_4-alkyl;

X is O, S, NR^9, CO or $CR^{10}R^{11}$;

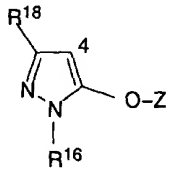
Y is O, S, NR^{12}[~~,~~] or CO [~~or $CR^{13}R^{14}$~~];

R^9, R^{12} are hydrogen or C_1-C_4-alkyl;

R^{10}, R^{11}[~~, R^{13}, R^{14}~~] are hydrogen, C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxycarbonyl, C_1-C_4-haloalkoxycarbonyl or $CONR^7R^8$; or

R^4 and R^9 or R^4 and R^{10} or R^5 and R^{12} [~~or R^5 and R^{13}~~] together form a C_2-C_6-alkanediyl chain which can be mono- to tetrasubstituted by C_1-C_4-alkyl and/or interrupted by oxygen or by a nitrogen which is unsubstituted or substituted by C_1-C_4-alkyl;

R^{15} is a pyrazole of the formula II which is linked in the 4-position



II

where

R^{16} is C_1-C_6-alkyl;

Z is H or SO_2R^{17};

R^{17} is C_1-C_4-alkyl, C_1-C_4-haloalkyl, phenyl or phenyl which is partially or fully halogenated and/or has attached to it one to three of the following groups: nitro, cyano, C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxy or C_1-C_4-haloalkoxy;

R^{18} is hydrogen or c_1-C_6-alkyl;

where X and Y are not simultaneously sulfur;

with the exception of

~~[4-[2-chloro-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonylbenzoyl]-1-ethyl-5-hydroxy-1H-pyrazole,~~]

~~[4-[2-chloro-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonylbenzoyl]-1,3-dimethyl-5-hydroxy-1H-pyrazole,~~]

~~[4-[2-chloro-3-(5-cyano-4,5-dihydroisoxazol-3-yl)-4-methylsulfonylbenzoyl]-1,3-dimethyl-5-hydroxy-1H-pyrazole,~~]

4-[2-chloro-3-(4,5-dihydrothiazol-2-yl)-4-methylsulfonylbenzoyl]--1,3-dimethyl-5-hydroxy-1H-pyrazole and

4-[2-chloro-3-(thiazoline-4,5-dione-2-yl)-4-methylsulfonylbenzoyl]-1,3-dimethyl-5-hydroxy-1H-pyrazole;

or an agriculturally useful salt thereof.

2. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I where the variables have the following meanings:

R^1, R^2 are hydrogen, nitro, halogen, cyano, C_1-C_6-alkyl, C_1-C_6-haloalkyl, C_1-C_6-alkoxy, C_1-C_6-haloalkoxy, C_1-C_6-alkylthio, C_1-C_6-haloalkylthio, C_1-C_6-alkylsulfinyl, C_1-C_6-haloalkylsulfinyl, C_1-C_6-alkylsulfonyl or C_1-C_6-haloalkylsulfonyl;

R^3 is hydrogen, halogen or C_1-C_6-alkyl;

R^4, R^5 are hydrogen, halogen, cyano, nitro, C_1-C_4-alkyl, C_1-C_4-alkoxy-C_1-C_4-alkyl, di(C_1-C_4-alkoxy)-C_1-C_4-alkyl, di(C_1-C_4-alkyl)-amino-C_1-C_4-alkyl, [2,2-di(C_1-C_4-alkyl)-1-hydrazino]-C_1-C_4-alkyl, C_1-C_6-alkyliminooxy-C_1-C_4-alkyl, C_1-C_4-alkoxycarbonyl-C_1-C_4-alkyl, C_1-C_4-alkylthio-C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-cyanoalkyl, C_3-C_8-cycloalkyl, C_1-C_4-alkoxy, C_1-C_4-alkoxy-C_2-C_4-alkoxy, C_1-C_4-haloalkoxy, C_1-C_4-alkylthio, C_1-C_4-haloalkylthio, di(C_1-C_4-alkyl)amino, COR^6, phenyl or benzyl, it being possible for the two last-mentioned substituents to be fully or partially halogenated and/or to have attached to them one to three of the following groups: nitro, cyano, C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxy or C_1-C_4-haloalkoxy; or

R^4 and R^5 together form a C_2-C_6-alkanediyl chain which can be mono- to tetrasubstituted by C_1-C_4-alkyl and/or which can be interrupted by oxygen or by a nitrogen which is unsubstituted or substituted by C_1-C_4-alkyl; or

R^4 and R^5 together with the corresponding carbon form a carbonyl or thiocarbonyl group;

R^6 is C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxy, C_1-C_4-alkoxy-C_2-C_4-alkoxy, C_1-C_4-haloalkoxy, C_3-C_6-alkenyloxy, C_3-C_6-alkynyloxy or NR^7R^8;

R^7 is hydrogen or C_1-C_4-alkyl;

R^8 is C_1-C_4-alkyl;

X is O, S, NR^9, CO or $CR^{10}R^{11}$;

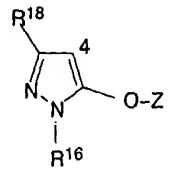
Y is O, S, NR^{12}[,] or CO [~~or $CR^{13}R^{14}$~~];

R^9, R^{12} are hydrogen or C_1-C_4-alkyl;

R^{10}, R^{11}[~~, R^{13}, R^{14}~~] are hydrogen, C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxycarbonyl, C_1-C_4-haloalkoxycarbonyl or $CONR^7R^8$; or

R^4 and R^9 or R^4 and R^{10} or R^5 and R^{12} [~~or R^5 and R^{13}~~] together form a C_2-C_6-alkanediyl chain which can be mono- to tetrasubstituted by C_1-C_4-alkyl and/or interrupted by oxygen or by a nitrogen which is unsubstituted or substituted by C_1-C_4-alkyl;

R^{15} is a pyrazole of the formula II which is linked in the 4-position



II

where

R^{16} is C_1-C_6-alkyl;

Z is H or SO_2R^{17};

R^{17} is C_1-C_4-alkyl, C_1-C_4-haloalkyl, phenyl or phenyl which is partially or fully halogenated and/or has attached to it one to three of the following groups: nitro, cyano, C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxy or C_1-C_4-haloalkoxy;

R^{18} is hydrogen or c_1-C_6-alkyl;

where X and Y are not simultaneously sulfur;

with the exception of

~~[4-[2-chloro-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonylbenzoyl]-1-ethyl-5-hydroxy-1H-pyrazole,]~~

~~[4-[2-chloro-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonylbenzoyl]-1,3-dimethyl-5-hydroxy-1H-pyrazole,]~~

~~[4-[2-chloro-3-(5-cyano-4,5-dihydroisoxazol-3-yl)-4-methylsulfonylbenzoyl]-1,3-dimethyl-5-hydroxy-1H-pyrazole,]~~

~~[4-[2-chloro-3-(4,5-dihydrothiazol-3-yl)-4-methylsulfonylbenzoyl]-1,3-dimethyl-5-hydroxy-1H-pyrazole~~]

4-[2-chloro-3-(4,5-dihydrothiazol-2-yl)-4-methylsulfonylbenzoyl]--1,3-dimethyl-5-hydroxy-1H-pyrazole and

4-[2-chloro-3-(thiazoline-4,5-dione-2-yl)-4-methylsulfonylbenzoyl]-1,3-dimethyl-5-hydroxy-1H-pyrazole;

or an agriculturally useful salt thereof.

3. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I as claimed in claim 1 or 2, where R^3 is hydrogen.

4. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I as claimed in [~~any of claims 1 to 3~~] claim 1 or 2, where

R^1, R^2 are nitro, halogen, cyano, C_1-C_6-alkyl, C_1-C_6-haloalkyl, C_1-C_6-alkoxy, C_1-C_6-haloalkoxy, C_1-C_6-alkylthio, C_1-C_6-haloalkylthio, C_1-C_6-alkylsulfinyl, C_1-C_6-haloalkylsulfinyl, C_1-C_6-alkylsulfonyl or C_1-C_6-haloalkylsulfonyl.

5. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I as claimed in [~~any of claims 1 to 4~~] claim 1 or 2, where Z is SO_2R^{17}.

6. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I as claimed in [~~any of claims 1 to 4~~] claim 1 or 2, where Z is hydrogen.

7. (*canceled*)

8. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I as claimed in [~~any of claims 1 to 4 or 6 or 7~~] claim 1 or 2, where

R^4 is halogen, nitro, C_1-C_4-alkyl, C_1-C_4-alkoxy-C_1-C_4-alkyl, C_1-C_4-alkoxycarbonyl-C_1-C_4-alkyl, C_1-C_4-alkylthio-C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-cyanoalkyl, C_3-C_8-cycloalkyl, C_1-C_4-alkoxy, C_1-C_4-alkoxy-C_2-C_4-alkoxy, C_1-C_4-haloalkoxy, C_1-C_4-alkylthio, C_1-C_4-haloalkylthio, di(C_1-C_4-alkyl)amino, COR^6, phenyl or benzyl, it being possible for the two last-mentioned substituents to be partially or fully halogenated and/or to have attached to them one to three of the following groups: nitro, cyano, C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxy or C_1-C_4-haloalkoxy;

R^5 is hydrogen or C_1-C_4-alkyl; or

R^4 and R^5 together form a C_2-C_6-alkanediyl chain which can be mono- to tetrasubstituted by C_1-C_4-alkyl and/or which can be interrupted by oxygen or by a nitrogen which is unsubstituted or substituted by C_1-C_4-alkyl. [~~, or~~]

[~~R^5 and R^{13} together form a C_2-C_6-alkanediyl chain which can be mono- to tetrasubstituted by C_1-C_4-alkyl and/or which can be interrupted by~~

~~oxygen or by a nitrogen which is unsubstituted or substituted by C_1-C_4-alkyl.~~]

9. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I as claimed in [~~any of claims 1 to 4 or 6 to 8~~] claim 1 or 2, where

R^4 is C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxycarbonyl or $CONR^7R^8$;

R^5 is hydrogen or C_1-C_4-alkyl; or

R^4 and R^5 together form a C_2-C_6-alkanediyl chain which can be mono- to tetrasubstituted by C_1-C_4-alkyl and/or which can be interrupted by oxygen or by a nitrogen which is unsubstituted or substituted by C_1-C_4-alkyl. [~~, or~~]

[~~R^5 and R^{13} together form a C_2-C_6-alkanediyl chain which can be mono- to tetrasubstituted by C_1-C_4-alkyl and/or which can be interrupted by oxygen or by a nitrogen which is unsubstituted or substituted by C_1-C_4-alkyl.~~]

10. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I as claimed in [~~any of claims 1 to 4 or 6 or 7~~] claim 1 or 2, where R^4 and R^5 are hydrogen.

11. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I as claimed in [~~any of claims 1 to 4 or 6 or 7 or 10~~] claim 1 or 2, where R^{18} is hydrogen.

12. (*canceled*)

13. (*canceled*)

14. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I as claimed in [~~any of claims 1 to 4 or 6~~] claim 1 or 2, where

X is S, NR^9, CO or $CR^{10}R^{11}$. [~~, or~~]

[~~Y is O, S, NR^{12} or CO.~~]

15. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I as claimed in [~~any of claims 1 to 4 or 6 to 14~~] claim 1 or 2, where R^{18} is hydrogen.

16. (*amended*) A 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I as claimed in [~~any of claims 1 to 4 or 6 to 14~~] claim 1 or 2, where

R^4 is halogen, cyano, nitro, C_1-C_4-alkyl, C_1-C_4-alkoxy-C_1-C_4-alkyl, C_1-C_4-alkoxycarbonyl-C_1-C_4-alkyl, C_1-C_4-alkylthio-C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-cyanoalkyl, C_3-C_8-cycloalkyl, C_1-C_4-alkoxy, C_1-C_4-alkoxy-C_2-C_4-alkoxy, C_1-C_4-haloalkoxy, C_1-C_4-alkylthio, C_1-C_4-haloalkylthio, di(C_1-C_4-alkyl)amino, COR^6, phenyl or benzyl, it being possible for the two last-mentioned substituents to be partially or fully halogenated and/or to have attached to them one to three of the following groups: nitro, cyano, C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxy or C_1-C_4-haloalkoxy;

R^5 is hydrogen or C_1-C_4-alkyl; or

R^4 and R^5 together form a C_2-C_6-alkanediyl chain which can be mono- to tetrasubstituted by C_1-C_4-alkyl and/or which can be interrupted by oxygen or by a nitrogen which is unsubstituted or substituted by C_1-C_4-alkyl; or

R^4 and R^9 or R^4 and R^{10} or R^5 and R^{12} [~~or R^5 and R^{13}~~] together form a C_2-C_6-alkanediyl chain which can be mono- to tetrasubstituted by C_1-C_4-alkyl and/or which can be interrupted by oxygen or by a nitrogen which is unsubstituted or substituted by C_1-C_4-alkyl;

R^{18} is C_1-C_6-alkyl.

17. (*canceled*)

18. (*canceled*)

19. (*canceled*)

20. (*canceled*)

21. (*amended*) A composition comprising a herbicidally active amount of at least one 3-heterocyclyl-substituted benzoyl [~~derivative of the~~] compound of formula I as defined in claim 1 or 2 or of an agriculturally useful salt [~~of I as claimed in any of claims 1 to 16~~] thereof, and auxiliaries conventionally used for the formulation of crop protection products.

22. (*amended*) A process for the preparation of [~~a~~] the composition [~~as claimed~~] defined in claim 21, which comprises mixing a herbicidally active amount of at least one 3-heterocyclyl-substituted benzoyl [~~derivative~~] compound of [~~the~~] formula I or of [~~an~~] the agriculturally useful salt [~~of I as claimed in any of claims 1 to 16~~]

thereof and auxiliaries conventionally used for the formulation of crop protection products.

23. (*amended*) A method of controlling undesirable vegetation, which comprises allowing a herbicidally active amount of at least one 3-heterocyclyl-substituted benzoyl [~~derivative~~] compound of [~~the~~] formula I as defined in claim 1 or 2 or of an agriculturally useful salt [~~of I as claimed in any of claims 1 to 16~~] thereof to act on plants, their environment and/or on seeds.